

Attorney Docket No.: F7708(V)
Serial No.: 10/559,587
Filed: December 2, 2005
Confirmation No.: 2710

REMARKS

Claim Rejections – 35 USC § 103

Claims 1 and 3-10 were rejected under 35 USC §103(a) as being unpatentable over Barrows (U.S. 6, 188,046) and Perttola (US 6,164,193).
Applicants respectfully request the Examiner to reconsider this rejection in light of the following remarks.

The current invention concerns a kettle assembly used in restaurants with self service that enables the simultaneous delivery of more than one type of soup at a constant, elevated temperature and in a restricted space. (page 1, lines 23-26 and page 2, lines 1-4).

Applicants' kettle assembly for soup recited in claim 1 includes a kettle part and a separate lid. The kettle part includes a cylindrical outer container and a cylindrical inner container which fits inside the cylindrical outer container. The cylindrical inner container has a vertical separating plate such that two compartments are formed. The separate lid has two parts connected by a hinge such that each of the compartments of the cylindrical inner container can be opened separately (Figs 1-3).

Barrow relates to a food-heating appliance having a cooking unit insert with a plurality of cooking subchambers. (column 2, lines 5-7). The appliance has "a heating unit with a bottom and at least one upstanding sidewall, a heating chamber with an annular lip, and a heating element. A cooking unit is also provided with a bottom and at least one upstanding sidewall, a cooking chamber adapted to be at least partially received within the heating chamber, and a medial wall upstanding from the bottom wall defining at least a first and second cooking subchamber. The

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heating element supplies heat to the cooking unit via the heating chamber to heat the first and second cooking subchambers" (Abstract and Figs 1 and 7).

Barrows is silent about the use of the appliance for dispensing soup and is silent about any type of lid or cover.

Pertolla relates to an improved popping kettle assembly for popcorn machines. With reference to Figs 1-3, the lid 14 taught by Pertolla includes front 44 and inclined 42 parts that are attached to rear portion 40 by means of a hinge 48. The rear portion of the lid 40 contains a series of slots 68 through which a series of tabs 52 protruding from top of the kettle chamber 12 can pass. These tabs 52 engage the rear portion of the top 40 to securely fasten the rear portion 40 of the lid to the kettle chamber 12.

The Examiner asserted in the Office Action mailed June 12, 2009 that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the kettle of Barrow with the separate lid having two parts (40 and 44) connected by a hinge 48 in the manner suggested by Pertolla. Applicants respectfully disagree.

Barrow teaches a two or multi- compartment cooking chamber used for the slow cooking of foods (Barrows Fig 2 and 7). Applicants submit that a person of ordinary skill in the art would not have been motivated to use the lid described by Pertolla because the artisan would have recognized that the lid described by Pertolla would only permit partial access to the contents of the cooking chamber and would be inconvenient to the user and therefore unsuitable.

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Applicants' further submit that even in the unlikely event the references were combined, the combination of Barrows and Pertola does not teach or suggest a kettle assembly having all the claimed limitations recited in the applicants' claims. Specifically, the combination does not teach a kettle assembly for dispensing soup recited in claim 1 as construed by applicants' specification and drawings which has a separate lid that has two parts connected by a hinge such that each of the compartments of the cylindrical inner container can be opened separately.

As discussed above, although the Pertola lid has two parts separated by a hinge, one part is secured to the kettle assembly and is designed to securely fasten the lid to the top of the popcorn kettle chamber. Thus, the lid taught by Pertola could not be readily opened and closed as construed in applicants' specification and would not be suitable for the objective to which applicants' claims are directed: routine dispensing two or more types of soup from a single kettle assembly.

The Examiner further asserted that the features recited in Claims 9 and 10 are deemed as obvious design choices, since applicants have not disclosed that such design features solve any problem and it appears to the Examiner that the invention would perform equally well without them. Applicants' again respectfully disagree.

Claim 9 specifies that the separate lid includes three handles: one handle located on each of the two lid parts and one handle located over the hinge. Applicants submit that a person skilled in the art to which the invention pertains viewing Fig 1 and understanding the purpose of the invention would recognize the functionality of each handle recited in the claim. The peripheral handles facilitate the independent opening of each compartment and the central handle over the hinge allows the entire lid to be conveniently removed. Thus, the problems solved by the recited elements would be

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recognized, namely more convenient opening of compartments and more convenient removal of the entire lid.

Claim 10 specifies that the inner container further comprises a central member positioned above the vertical separating plate. Applicants' submit that a skilled person viewing Fig 1 and 3 and understanding the purpose of the invention would recognize the functionality of the central member recited in the claim. Namely, the skill person would recognize that the central member 11 serves as a handle for the inner container and allows the inner container to be conveniently and safely removed from the outer container especially when residual soup remains in the container. Thus, the problems solved by the central member would be recognized as more convenient and safe removal of the inner container while leaving the outer container in place.

In view of the foregoing remarks, applicants respectfully request that the Examiner reconsider and withdraw the 103(a) rejection of Barrows in view of Pertolla and allow the application to issue as a patent.

If a telephone conversation would be of assistance, Applicant's undersigned agent invites the Examiner to telephone at the number provided.

Respectfully submitted,

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